

Board Members

Robert E. Thomas

Chairperson

Vivian Teague

Vice Chairperson

Robert G. Weed

Council District 1

Elois Moore

Council District 3

Jacqueline Grant

Council District 4

Emmanuel Calzada

Council District 6

Kwame Finn

Council District 7



James W. Ribbron

Director

City of Detroit
Board of Zoning Appeals
Coleman A. Young Municipal Center
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MINUTES OF THE BOARD OF ZONING APPEALS

A public hearing of the Board of Zoning Appeals was held on Tuesday **March 5, 2019** on the 13th Floor in the Auditorium, Coleman A. Young Municipal Building, 2 Woodward Avenue.

Chairperson of the Board Thomas called the meeting to order and Director Ribbron called the meeting to order and called the roll at 9:00 a.m.

BOARD MEMBERS PRESENT:

- (1) Robert E. Thomas, Board Member
- (2) Robert G. Weed, Board Member
- (3) Vivian Teague, Board Member
- (4) Kwame Finn, Board Member
- (5) Elois Moore, Board Member
- (6) Jacqueline Grant, Board Member

BOARD MEMBERS ABSENT:

- (1) Emmanuel Calzada, Board Member

MINUTES:

Board Member Grant made a motion to approve the minutes for February 19, 2019 and February 26, 2019 with any corrections.

Affirmative: Mr. Thomas, Weed, Finn
Ms. Moore, Grant, Teague
Negative: None

PROCEDURAL MATTERS:

- (A) A motion was made, seconded and carried that the Director of the Board read into the record the notices, reports, letters, or any other information pro or con, on each individual case, and be filed and made a part of the record in each case.
- (B) A motion was made, seconded and carried that the appearance slips, be filled out by property owners or parties of interest who appeared at the public hearing, be filed in the individual case file and be made a part of the record in each case.
- (C) A motion was made, seconded, and carried that the recorded transcript of the proceedings of the various hearings, furnished by **BZA Staff**, be made part of the **MINUTES**.

9:15 a.m.

CASE NO.: 5-19

APPLICANT: BRIAN HURTTIENNE

LOCATION: 7250 Mack (aka 7200 Mack) Between: E. Grand Blvd. and Field in an R5 Zone (Medium Density Residential District) – Council District # 6

LEGAL DESCRIPTION OF PROPERTY: S MACK N 382.15 FT OF W 355.20 FT LYG E OF & ADJ BOULEVARD P C 678 S OF MACK AVE 15/31 355.20 X 382.15

PROPOSAL: Brian Hurtienne request to construct a Mixed Use Development with Townhouses (17 units), Multi-Family Dwelling (21 units) and Medical Office (3,000 sq. ft) with accessory parking (By-Right) (Approved w/conditions in BSEED PLN-8582 SPR2019-00001) in an R5 Zone (Medium Density Residential District). This case is appealed because the Board of Zoning Appeals shall be authorized to hear dimensional variance requests for matters that are beyond the scope of Buildings and Safety Engineering Department ten percent (10%) administrative adjustments; Multiple Family Dwelling, Bldg. A: Front and Side yard setbacks, Townhouses attached and Building B: Front Yard Setbacks. (Sections 61-4-91(6) Permitted Dimensional Variances, General Dimensional Standards, Sec. 61-13-13. Intensity and dimensional standards, Sec. 61-8-40. Conditional residential uses and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Weed made a motion to Grant dimensional variances (Distance variance) from 3 parking lots located at 117 W Grand Blvd, 214 Vinewood and 222 Vinewood to establish 19 residential loft units on the second floor of an existing 68,781 square foot building (BSEED 163-17) in a M4 zone (Intensive Industrial District). Seconded by Ms. Grant

Affirmative: Mr. Thomas, Finn, Weed
Ms. Teague, Moore, Grant

Negative:

DIMENSIONAL VARAINCE GRANTED

10:00 a.m.

CASE NO.: 72-18 (aka BSEED 43-18)

APPLICANT: JAWAD SALAYTAH

LOCATION: 20181 Van Dyke Between: Savage and Milbank
in a B4 zone (General Business District) –
Council District # 3

LEGAL DESCRIPTION OF PROPERTY: W VAN DYKE 105
THRU 107 EXC VAN DYKE AVE AS WD BASE LINE SUB
L45 P82 PLATS, W C R 15/258 60 X 93.32A

PROPOSAL: Jawad Salaytah requests to reverse the decision of Building, Safety, Engineering and Environmental Department (BSEED) in (BSEED Case 43-18) **DENYING** permission the establishment of a Motor Vehicle Washing and Steam Cleaning Facility (Hand Car Wash) in an existing 1,220 square foot building in a B4 Zone (General Business District). This case is appealed because the appeals of the Buildings and Safety Engineering Department on Conditional Use permit applications shall be taken to the Board of Zoning Appeals within fourteen (14) days of the date of the department’s decision, also, the Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination that is made by an administrative official in the administration of this Zoning Ordinance, or any decision made by the Buildings and Safety Engineering Department involving Conditional Uses. (Sections 61-4-71 Appeals of Administrative Decisions, 61-4-141 Zoning Grant Modifications, 61-12-216. Motor vehicle washing and steam cleaning, and 61-3-231 General Approval Criteria).AP

ACTION OF THE BOARD: Mr. Finn made a motion to Dismiss appeal at petitioners request. Seconded by Ms. Moore.

Affirmative: Mr. Thomas, Finn, Weed
Ms. Teague, Moore, Grant

Negative:

DISMSSED WITH PREJUDICE

10:45 a.m.

CASE NO.: 75-18

APPLICANT: ARBOR WELLNESS AND SOLUTIONS, LLC

LOCATION: 16703 Mack Between: Bishop and Yorkshire in a B4 zone (General Business District) City Council District #4

LEGAL DESCRIPTION OF PROPERTY: N MACK 125 & 126 EXC MACK AVE AS WD GROSSE POINTE VIEW SUB L48 P35 PLATS, W C R 21/717 40.29 IRREG

PROPOSAL: Arbor Wellness and Solutions, LLC appeals and requests to reverse the decision of the Buildings Safety Engineering and Environmental Department (PIN: 21001480) which DENIED the establishment of a Medical Marihuana Provisioning Center Facility (MMPCF) in an existing building located at 17611 Mack Ave in a B4 zone (General Business District). The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination that is made by an administrative official in the administration of this Zoning Ordinance, or any decision made by the Buildings and Safety Engineering Department involving Conditional Uses. Also, no Conditional Use shall be approved by the Buildings and Safety Engineering Department, or the Board of Zoning Appeals on appeal, unless each of the general findings of Section 61-3-231 are made; the proposed MMPCF site is located within 872.8 feet of a "DRUG FREE ZONE" known as St. Clare of Montefalco Catholic School located at 16231 Charlevoix, Grosse Pointe, Park, Mi. 48230. (Sections 61-4-71. Jurisdiction Over Appeals of Administrative Decisions, Sec. 61-3-355 (b) (1). Permitted districts for medical marihuana facilities; Conditional Uses; Restrictions and 61-3-231 General Approval Criteria). AP

ACTION OF THE BOARD: Mr. Weed made a motion to Uphold BSEED decision that the proposed MMPCF is located in a Drug Free Zone. Seconded by Ms. Grant.

Affirmative: Mr. Thomas, Weed, Finn
Ms. Teague, Grant, Moore

Negative:

BSEED DECISION UPHELD, DRUG FREE ZONE

11:30 a.m. **CASE NO.:** 116-16 (aka BSEED 23-16) – REMANDED BACK BY CIRCUIT COURT
(Adjourned by BZA on December 4, 2018 & January 29, 2019)

APPLICANT: BAMBOO MEDICAL, INC. #3 / DINA HAMZE

LOCATION: 14846 W. Seven Mile Rd. Between: Robson and Lauder in an B4 Zone (General Business District) Council District #2

LEGAL DESCRIPTION OF PROPERTY: LOTS 615-624 EXCLUDING SEVEN MILE ROAD AS WIDENED, SAN BERNANDO PARK SUBDIVISION NO 2, LIBER 52, PAGE 28, PLATS W.C.R. 240 X 86.08 (PIN 22017317-26)

PROPOSAL: Bamboo Medical, Inc #3 / Dina Hamze requests a Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in an approximate 1,078 square foot unit of an existing eight unit, approximate 10,080 square foot building APPROVED in (BSEED 23-16) in a B4 zone (General Business District). This case is appealed because the Buildings, Safety Engineering, and Environmental Department shall not approve any request under this Chapter for a medical marihuana caregiver center: One thousand (1,000) radial feet from any zoning lot occupied by a Controlled Use (other than arcade) or a Religious Institution. The proposed use is within 1,000 radial feet of three (3) other Controlled Uses located at 14701 W. Seven Mile Rd. –Omni Party Store – 174’ away, 15025 W. Seven Mile Rd. – Savon Foods – 208’ away and 15215 W. Seven Mile Rd. – Atty’s Parti Expo – 862’ away. Also, the Board of Zoning Appeals may modify any spacing or locational regulation, also known as a locational variance, in Sec. 61-12-87 of this Code; remanded from Circuit Court for a further de novo hearing to introduce all issues and evidence that they [Appellant] consider relevant at the remanded hearing to clarify the non-exhaustive list of issues for the BZA. (Sections 61-3-354 Conditional Uses; Procedures; Waivers; Public Nuisance, 61-12-92 Other uses-Spacing, 61-12-87 SPC (Spacing), 61-4-92(3) Other Variances, Variance of Spacing/Locational Regulation and 61-4-81 Approval Criteria).AP

ACTION OF THE BOARD: Mr. Weed made a motion to Deny Variance of Spacing / Locational Regulation TO establish a Medical Marihuana Caregiver Center (MMCC) in an approximate 1,078 square foot unit of an existing eight unit, approximate 10,080 square foot building APPROVED in (BSEED 23-16) in a B4 zone (General Business District). Support by Mr. Finn.

Affirmative: Mr. Thomas, Finn, Weed
Ms. Grant, Teague

Negative:

Ms. Moore not present for the vote

SPACING/LOCATIONAL VARIANCE DENIED

ADVISEMENTS CONTINUED INDEFINITELY UNTIL FURTHER NOTICE.

There being no further business to be transacted, Board Member Finn motioned that the meeting be adjourned. Board Member Teague seconded this motion which was unanimously carried and the meeting adjourned at 1:06 P.M.

RESPECTFULLY SUBMITTED

JAMES W. RIBBRON
DIRECTOR

JWR/atp